

## RETURN

(48)

To an ADDRESS of the HOUSE OF COMMONS, dated the 18th April, 1898, for copies of all Orders in Council, memorials, correspondence and every other document in connection with the granting of 150,000 acres of public lands in favour of the University of Manitoba, and the transfer and patenting of the same to the University.

R. W. SCOTT,  
Secretary of State.

*CERTIFIED Copy of a Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor General in Council, on the 15th June, 1887.*

On a memorandum dated 6th June, 1887, from the Minister of the Interior, submitting the annexed regulations adopted by the University of Manitoba relating to the allotment of land to be selected by the Dominion Government and granted as an endowment to that university, under the provisions of chapter 47 of the Revised Statutes of Canada, by the 5th section of which it is provided that the grant of land to the University of Manitoba shall be held in trust for its maintenance as a university capable of giving proper training in the higher branches of education upon some basis or scheme to be framed by the university and approved by the Dominion Government.

The minister having examined the regulations now submitted recommends that they be approved.

The Committee submit the same for Your Excellency's approval.

JOHN J. MCGEE,  
Clerk, Privy Council.

To the Honourable  
The Minister of the Interior.

*EXTRACT from a Report of the Land Grant Committee at an adjourned meeting of the University Council on the 28th January, 1887.*

REGULATIONS UNDER 48 AND 49 VICTORIA, CHAPTER 50, DOMINION STATUTES.

1. After the selection and granting of the lands made under the provisions of statute 2 of chapter 50, 48 and 49 Victoria, the University of Manitoba shall cause to be kept one or more land registers which shall contain a description of the said lands, the quality and character thereof so far as the same can be ascertained from the field notes of the survey and the official maps of the portions of the country where such lands are situate. The land register shall also contain a complete record of all the particulars respecting the management, sales and disposition of such lands.

NOTE.—Only part of this Return has been printed—the part desired by A. A. C. LaRivière, Esq., member for Provencher, Manitoba.

2. The said lands shall be held upon the following trusts :—

The university may at any time, in such manner and on such terms as they may deem proper, sell and dispose of or lease the said lands or any portion thereof and receive the proceeds and income resulting therefrom.

3. The university may apply such portion of said proceeds and income as may be considered proper to pay the expenses of the care and management of the said lands and of the moneys arising therefrom :

"To purchase a suitable site and to erect thereon university buildings and to furnish the same.

"To invest such portion of said proceeds as may not be immediately required for any of the objects aforesaid in such securities and on such terms as the council may deem proper and safe for the purpose of deriving an income therefrom, and the council may apply the income arising out of the leasing of said lands and from such investments, or any portion thereof, to any of the purposes aforesaid or to any other purpose contemplated by the said Act, chapter 50, 48 and 49 Victoria."

4. The management of such lands and the proceeds or income arising therefrom shall be under the control of the council of the university, which may appoint all such committees or persons as may be considered necessary for the purpose thereof, and may pay any such persons so appointed if deemed requisite.

J. ROYAL,

Vice Chancellor of the University of Manitoba.

DEPARTMENT OF THE INTERIOR,

OTTAWA, 3rd, January, 1889.

R. SEDGEWICK, Esq., Q.C.,  
Deputy Minister of Justice,  
Ottawa.

SIR,—I am directed to inclose herewith an Order in Council bearing date the 15th June, 1887, approving the regulations made by the council of the Manitoba University for the disposal of the land grant to the university, and to request that you will furnish this department with a draft form of the patent to be issued for the endowment lands.

I have the honour to be, sir,

Your obedient servant,

H. KINLOCH,  
For the Assistant Secretary.

WINNIPEG, MAN., 12th January, 1889.

The SECRETARY,  
Department of the Interior,  
Ottawa.

SIR,—In answer to your letter of the 3rd inst., Ref. No. 101818, addressed to J. A. M. Aikins, Esq., and which has been handed to me for reply, I am directed by the Lands Committee of the University of Manitoba to say that the university is a body corporate under "The University Act of Manitoba" of the consolidated statutes of Manitoba, 1880, cap. 63. I am further directed to say that the committee have by resolution declared in favour of having one patent issued "for each of the blocks selected in the second registration district."

I am, sir,

Yours truly,

FRED. C. WADE,  
Secretary.

# University of Manitoba.

DEPARTMENT OF THE INTERIOR,  
OTTAWA, 15th March, 1889.

ROBERT SEDGEWICK, Esq., Q.C.,  
Deputy Minister of Justice,  
Ottawa.

SIR,—I am directed to draw your attention to the letter which was addressed to you on the 3rd January last, inclosing a copy of the Order in Council of the 15th June, 1887, approving of the regulations made by the council of the Manitoba University with regard to the land grant to that institution, and to request you to furnish the draft patent you were in that letter asked to prepare, as the Minister of the Interior is very anxious that the patents be issued at once for the lands which the authorities of the university have selected.

I have the honour to be, sir,  
Your obedient servant,

P. B. DOUGLAS,  
Assistant Secretary.

COMMISSIONER'S OFFICE,  
WINNIPEG, 11th March, 1889.

A. M. BURGESS, Esq.,  
Deputy Minister of the Interior,  
Ottawa.

DEAR MR. BURGESS,—On my return to Winnipeg I find a letter dated the 7th instant, from the registrar of the council of the University of Manitoba, advising me of the resolution of council adopted on the 6th instant to the following effect:—

"Whereas it appears from the report of the secretary of the land committee that but 172,520 acres remain at the disposal of the university from which to select 108,000 acres of land, if the lands recommended for patent by the land office should be accepted, the Department of the Interior be asked to place 100,000 acres more at the disposal of the university in the districts which have not already been examined by the university land inspectors:

"Resolved that the land committee be authorized to have the land recommended by the government to be patented to the university inspected before patent issue, in order that any not of the quality required may be rejected, and that the Dominion government be requested to allow them this privilege."

With regard to the first resolution, at present we have under reservation in addition to the lands already recommended for patent in favour of the university, an area of about 200,000 acres from which the university authorities are to be allowed to select the remainder of its grant of 100,000 acres. It seems to me, therefore, and Mr. Pearce agrees with me, that until the examiners have fully reported upon the lands now reserved, it would be unwise to make any further reservation. I may say that we have had several complaints already from settlers desiring to obtain entry for lands held under reservation for this purpose.

I do not know, however, what assurance the minister may have given the delegation representing the university that he met here at the Queen's hotel last year. It is possible that he may be inclined to order the further reservation asked for.

With regard to the lands which I have already recommended for patent, I may say that the list of vacant lands in the Winnipeg district was recommended in toto without being first inspected or accepted by the university authorities. This land is certainly of fair average quality, and on this account I would refuse the application which the university people now make to be allowed to reject any of them which in their opinion are not of that quality. I am quite sure that among the lands they are now rejecting are many quarter sections of fair average quality, and that the lands that they have accepted are above the average, that is of the lands remaining at the disposal of the Crown at the time of the passage of the Act providing for the university grant.

I wish very much that you will discuss this matter with the minister as early as possible, and advise me of the result.

It seems to me that under the statute the right of selection rests with the department, and not with the university, and that under direction of the minister it is competent for me or for any one whom he may appoint for the purpose to select without consulting the university authorities such lands as in the opinion of such officer of the department may be deemed suitable.

Yours very truly,

H. H. SMITH.

DEPARTMENT OF JUSTICE,

OTTAWA, 4th July, 1889.

The Secretary,

Department of the Interior,  
Ottawa.

SIR,—Referring to Mr. Kinloch's letter of the 3rd January last, with which was inclosed a copy of an Order in Council approving the regulations made by the council of the University of Manitoba, with reference to the land grant to the university, and in which I am asked to furnish a draft form of the patent which should be issued for the endowment lands.

I have now the honour to inclose a draft patent which has been prepared in the department and is approved in point of form by the Minister of Justice.

The Minister of Justice directs me to state that he thinks it would be well to send this draft to the university authorities for their approval or for such observations as they may think proper to make with reference to it.

It is believed that the draft embodies in effect the provisions which the university council desires that the patent should contain, though it does not conform precisely to the language of the regulations passed by the council. It also contains certain other provisions considered to be necessary or expedient, and it is right that the council should have an opportunity of seeing, and, if they so desire, discussing these.

The form of patent as finally settled had better, the minister thinks, be submitted to the Governor in Council for approval.

I have the honour to be, sir,

Your obedient servant,

ROBERT SEDGEWICK,

Deputy Minister of Justice.

CANADA.

VICTORIA, &c.

To all to whom these presents shall come,

GREETING :

Whereas, in and by chapter 47 of the Revised Statutes of Canada intituled "An Act respecting the Province of Manitoba," it is amongst other things in effect enacted that an allotment of land not exceeding one hundred and fifty thousand acres of fair average quality shall be selected by the Dominion Government and granted as an endowment to the University of Manitoba, a body corporate and politic under the provisions of the Consolidated Statutes of Manitoba, chapter sixty-three, for its maintenance as a university capable of giving proper training in the higher branches of education, and to be held in trust for that purpose upon some basis or scheme to be framed by the university and approved by the Dominion Government.

And whereas, the lands herein after mentioned and described the same being Dominion lands within the meaning of the Dominion Lands Act, have been selected by the government of our Dominion of Canada to be granted to the said "The University

## University of Manitoba.

of Manitoba" (hereinafter sometimes called the said university), in pursuance firstly above mentioned.

And whereas, the said university has framed a basis and scheme under which it is proposed that the said lands shall be held by the said university upon certain trusts which are hereinafter embodied and set forth.

And whereas, the said basis or scheme has been duly approved by our Governor General in Council who has authorized the issue of letters patent granting the said lands to the said university, upon and subject to the trusts and conditions hereinafter expressed and contained.

Now know ye that we do by these presents, grant, convey and assign unto the said, The University of Manitoba, their successors and assigns

To have and to hold the said lands unto the said, The University of Manitoba, their successors and assigns for ever, for the purposes hereinafter mentioned, and upon and subject to the trusts and conditions hereinafter expressed and contained saving and

Provided always that the said lands are to be held by the said university, their successors and assigns for the purposes hereinafter mentioned, and upon and subject to the following trusts and purposes, that is to say :—

1. That the said university, their successors and assigns, may at any time and in such manner and on such terms as they may deem proper, sell and dispose of or lease the said lands or any portion thereof, and receive the proceeds or incomes resulting therefrom.

2. That the said university, their successors and assigns, may apply such portion of the said proceeds and income as may be considered proper to pay the expenses of the care and management of the said lands and of the moneys arising therefrom; to purchase a suitable site or suitable sites for, and to erect thereon university buildings, and to furnish such buildings, and shall invest such portion of the said proceeds as may not be immediately required for any of the said objects in such securities and on such terms as the said university, their successors or assigns may deem proper and safe for the purpose of deriving an income therefrom, and may apply the income arising out of the leasing of the said lands, and from such investments or any portion thereof, to any of the purposes aforesaid or to any purpose contemplated or provided for by the Act of incorporation of the said university; and may also from time to time with the express sanction and approval of our Governor in Council, but not otherwise, apply any part of such income to any other purpose connected with the work of the university or the objects for which it was created.

Provided always that if at any time hereafter the said university shall be dissolved or shall cease to exercise its functions as a university, or if at any time hereafter the said university shall cease to be constituted as provided by its present Act of incorporation, chapter sixty-three of the Consolidated Statutes of Manitoba, then and in such case any and all of the said land which may remain unsold shall revert to and become revested in us and our successors as our and their former estate therein; and all funds in the hands of the said university, their successors and assigns, the proceeds of or which in any way result from the said lease or other disposal of the said lands shall be immediately paid over to us our successors or assigns.

Provided further, and it is hereby made an express condition of this grant that at all times hereafter the said university, their successors and assigns, shall keep or cause to be kept such separate and distinct accounts of the proceeds and income resulting from the sale, lease or other disposal of and of all moneys in any way derived from or arising out of the said lands as shall clearly and readily disclose the amount and nature thereof as well as all dealings therewith, and also that all books, vouchers and papers containing or in any way relating to such account shall at all times be open to the inspection of any person or persons appointed by our Governor in Council to inspect the same.

(Great Seal.)

DEPARTMENT OF THE INTERIOR,

OTTAWA, 30th July, 1889.

F. C. WADE, Esq.,

Secretary Land Committee of University of Manitoba,  
Winnipeg, Manitoba.

SIR,—I am directed to transmit herewith a copy of a draft form of patent which has been furnished by the law officers of the Crown as the form to be used in granting to the Manitoba University the lands which have been allotted to them; and to request you to submit it for the approval of the authorities of the university, and to return it to this department, under cover of a letter containing any suggestions or observations which they may wish to make in regard to it.

I am, sir,

Your obedient servant,

H. KINLOCH,  
for the Assistant Secretary.

UNIVERSITY OF MANITOBA,

LAND COMMITTEE,

WINNIPEG, 16th July, 1889.

Hon. EDGAR DEWDNEY,

Minister of the Interior,  
Ottawa.

HON. SIR,—I have been requested by the land committee to write your department and ascertain what progress is being made in the issuing to the university of patents for the lands selected. It is of supreme importance to the university that these patents should be finally issued before the next meeting of the council in September. The reasons for this can be briefly stated.

1. The provincial government will not assist the institution until it is decided to remodel it and make it a teaching body, and

2. Until the lands are finally patented to the university, the friends of the institution do not care to urge any reform if so doing might have the effect of stirring up any section to attempt to interfere with or divide the land grant.

3. The legislature meets in the opening winter months and are extremely anxious to be then in a position to adopt our new programme and obtain the very substantial assistance that will then, and not till then, be given us.

While urging on behalf of the university the speedy patenting of the lands, I would like to add that I do not refer to those in Winnipeg district. Our examiners are now at work inspecting the latter, and have found a large portion of them to consist of pure bog lands, useless for any purpose. I refer at present to the lands in the other districts. In about ten days we will be able to tell exactly what lands are useless and what are worth accepting in the Winnipeg district as well.

I beg to remain, honourable sir,

Yours respectfully,

FRED. C. WADE,  
Secretary Land Committee.

# University of Manitoba.

OFFICE OF THE MINISTER OF JUSTICE,  
OTTAWA, 13th September, 1889.

The Honourable E. DEWDNEY,  
Minister of the Interior.

MY DEAR MR. DEWDNEY,—Some time ago I had some correspondence with Archbishop Taché on the subject of conditions which he wishes attached to the grant of land to the University of Manitoba. I answered His Grace that I could not cause any condition to be inserted in the grant, of a special character, without instructions from your department, or from council, and that I could not avail myself of His Grace's letter to explain his wishes in that regard, as the letters were marked "private."

He has accordingly written me the inclosed letter dated August, 1889, supposing probably that he should write to me in continuation of the correspondence which we already had. As the matter is, however, one for you, I send you the letter together with a copy of the draft, which has already been suggested, to your department.

Yours faithfully,

JOHN THOMPSON.

ST. BONIFACE, August, 1889.

The Honourable  
Sir JOHN THOMPSON, K.C.M.G., &c.,  
Minister of Justice,  
Ottawa.

DEAR SIR,—As president of St. Boniface College and as one of the representatives of the said college in the council of the University of Manitoba, I beg to submit to you a few considerations in regard to the grant of Dominion lands made to the university under 48, 49 Vic., ch. 50, sec. 2, of the statutes of the Dominion.

A brief sketch of the history of the university, of its foundation and working may assist in explaining the true position our college is placed in, and in better showing my views on the question at issue.

The university was created by an Act of the provincial legislature passed in 1877, and incorporated in the consolidated statutes of Manitoba, ch. 63. Sec. 28 of that Act declares that the incorporated colleges in connection with the university shall be the college of St. Boniface, the St. John college and the Manitoba college, and the other incorporated colleges which may, from time to time, be affiliated by the Lieutenant Governor in Council.

The St. Boniface college is a Roman Catholic institution; the St. John college is connected with the Church of England, and the Manitoba college with the Presbyterian Church.

The above three colleges were in 1877, and remained the only ones connected with the university until 1886, when the Medical college was affiliated, and last year, 1888, the Wesley college was also affiliated.

In the preamble of the Act, establishing the university, it is stated that the university is to be established *on the model of the university of London*. This was inserted advisedly, as it was then intended and clearly understood that the university was to be an examining body and not a teaching body.

Sec. 11 of the said Act enacts that there shall be no professorship or teachership *at present* in the university, the words *at present* in the section may seem to indicate an intention to make the university in the course of time, a teaching body. A few observations may be made in regard to these words.

The bill creating the university, as framed by the Hon. Mr. Royal, then Attorney General of the province, and as discussed and adopted at meetings of the representatives of the three colleges, intended at the time to be connected with the university, and as presented to the House, had not in it those two words. The Hon. Mr. Royal, who had charge of the bill, who put it through the House, and supervised it in com-

mittee of the whole, never saw those words, nor heard them mentioned. When the statute-book appeared, we were greatly surprised to see the said words in it. They must have been added in committee of the whole without the knowledge of the promoter of the bill. But the bill had become law. I may add, however, that these words were never found in the French copy of the statutes.

I enter into these details to show you that we never were consenting parties to have those words in the Act. It was well known at the time that we, the representatives of St. Boniface college and of the Catholic portion of the university in the organization, we could not have joined the other colleges in a teaching university.

The following sentence in the endowment clause 48, 49 Victoria, chapter 50, section 2, "as an endowment to the University of Manitoba for its maintenance as a university capable of giving proper training in the higher branches of education" might perhaps, at first sight, be interpreted to apply to a teaching university; but I do not think such was the meaning of the programme or curriculum prepared by the council for the yearly examination on the various subjects, necessitated on the part of the affiliated colleges, who, in fact, have so far constituted the university, the obligation of giving the training required by the university. And in this, the university may be considered as giving proper training in the higher branches of education, within the provisions of the Act.

During the last three or four years, the question of making the university a teaching body by founding chairs in connection therewith, has been submitted and urged in the university council by some representatives of the other colleges. We made known to them our insuperable objection to such proposed scheme, as it was impossible for us to send the pupils of our colleges to be taught by professors over whose teaching we had no control. They understood our reasons; the discussion was conducted in a good spirit on both sides, without any harsh words being uttered. They regretted the difficulty of the situation as to St. Boniface college, but they repeatedly said that it was for them a very important question; that the change would have to come, and that, sooner or later, the legislature would have to be applied to to legislate on the matter.

Now really, we anticipate that the scheme may be forced on us before very long, when we might be compelled to modify, or perhaps sever our connection with the university. We have no idea what form the modification may take or on what terms or conditions the severance may be effected. Whether we shall be permitted to remain in some shape or other, as an independent and separate branch of the university in regard to the teaching of our pupils, or otherwise, we cannot foresee. At all events I think that, as the oldest college in the country, as one of the three colleges with which the university was founded, as one of the colleges which took a very active part in the organization, in framing, as they now exist, its statutes, ordinances, regulations and curriculum, and as being still what may be called a component part of the university, it is not unreasonable to expect, in the event of the modification of the university from its original plan, the St. Boniface college representing all the Roman Catholic population of the country in the matter of superior education, should not be forced into an undesirable position in the university, without some means being derived to protect its right and reasonable claims. I do not wish to ask for any special privilege or favour for the St. Boniface college. But what I desire and that I would suggest is that, in the patent granting to the university the lands allowed by the statutes, some clause or words may be inserted affording a protection to any particular college connected with the university and constituting a part thereof, whose rights and position may be affected or interfered with, in the event of the said university altering its constitution or modifying its original plan. The protection asked to-day by the St. Boniface college will be for the benefit of any of the colleges finding themselves in parallel circumstances.

In a few months or a few years, some one of the other colleges may have interests conflicting with the majority and claim the benefit of the same protecting clause. This would also act as a warning to the university as a body that the right and just claims of any of its constituent parts should not be infringed upon; and it would tend to pro-



## University of Manitoba.

inote and preserve between the different denominational colleges, the harmony and good relations which have so far been prevailing.

Pardon me, Dear Sir, for trespassing so much upon your valuable time. The important interest at stake must be my justification. I have reason to hope that your honourable colleagues in the government, when you will place the matter before them, will see the force and urgency of my request and that the protection asked for will be secured without difficulty.

I have the honour to be, dear sir,

Your most obedient servant

ALEX.,

Arch. of St. Boniface, O.M.I.

DEPARTMENT OF THE INTERIOR,  
OTTAWA, 14th October, 1889.

F. C. WADE, Esq.,  
Secretary, Land Committee, University of Manitoba,  
Winnipeg, Manitoba.

DEAR SIR,—I am directed by the Minister of the Interior, to send you the inclosed copy of a letter from His Grace the Archbishop of St. Boniface to the Minister of Justice, with reference to the grant of lands to the University of Manitoba, under 48-49 Victoria, chapter 50, for the information of the governing body of the university and for any comments thereon which they may wish to offer.

I have the honour, dear sir,

Your obedient servant,

JOHN R. HALL,

Acting Deputy Minister of the Interior.

WINNIPEG, MANITOBA, 19th October, 1889.

Hon. EDGAR DEWDNEY,  
Minister of the Interior,  
Ottawa.

HONOURABLE SIR,—*Re* patent to University Lands. Your letter of the 14th instant, inclosing a letter from His Grace the Archbishop of St. Boniface to the Minister of Justice with reference to the grant of lands to the University of Manitoba, under 48-49 Victoria, chapter 50, for the information of the university council and for any comments thereon which they may wish to offer, was duly received and will be placed before the university council in a few days.

I have the honour to be, sir,

Your obedient servant,

FRED. C. WADE,  
Secretary Lands Committee.

UNIVERSITY MANITOBA,  
WINNIPEG, 6th December, 1889.

To the Honourable  
The Minister of the Interior,  
Ottawa.

HONOURABLE SIR,—I have the honour of transmitting to you for information, the enclosed documents *re* lands patent to the university, by the direction of the council of the said university.

I have the honour to be, hon. sir,

Your obedient servant,

T. A. BERNIER,  
Registrar.

EXTRACTS from the minutes of the proceedings of a meeting of the Council of the University of Manitoba, held on the 22nd day of November, A.D. 1889.

Mr. Wade then moved, seconded by Mr. W. R. Mulock, that:

Whereas the preamble to the bill to incorporate and establish the University of Manitoba when introduced to the legislative assembly of the province of Manitoba contained the statement that the said university was to be established on the model of the University of London.

Whereas the words "at present" were not in paragraph five of the said bill as so introduced.

Whereas the said bill was referred to a committee of the whole House and while before the said committee the said bill was amended by striking out of the preamble the words "on the model of the University of London" and by changing clause 5 in the original bill to clause 10, and by inserting in the said clause after the words "teaching" the words "at present."

Whereas the Hon. Mr. Royal is reported to have stated when moving the second reading of the said bill that the bill provided that thereafter chairs might be attached and endowed and the university might become a teaching body as well as a university for granting degrees and for graduating purposes.

Whereas the said bill as so amended as aforesaid was passed by the said legislature and was in its said amended form assented to by His Honour the Lieutenant-Governor.

Whereas His Grace the Archbishop of St. Boniface has written under date of August, 1889, the letter to the Minister of Justice which has been now read, and in such he points out that "in the preamble of the Act establishing the university it is stated that the university is to be established on the model of the university of London, and that this was inserted advisedly as it was then intended and clearly understood that the university was to be an examining body and not a teaching body," and in which letter he also further points out that the "Hon. Mr. Royal, who had charge of the bill also put it through the House and supervised it in committee of the whole, never saw the words 'at present' (also referred to) nor heard them mentioned."

Whereas His Grace in the said letter further states "that I do not wish to ask for any special privilege or favour for St. Boniface College, but what I desire and what I would suggest is that in the patent granting to the university the lands allowed by the statute some clause or word may be inserted affording a protection to any particular college connected with the university and constituting a part thereof whose rights and position may be affected or interfered with in the event of the said university altering its constitution or modifying its original plan."

Whereas the Hon. the Minister of the Interior has sent to this council a copy of the said letter of His Grace and has asked them for any comments thereon which they may wish to offer.

Whereas the draft patent for the said lands submitted for the approval of the said council by the Hon. the Minister of the Interior contains a clause to the following effect that "if at any time hereafter the said university shall cease to be constituted as provided by its present Act of incorporation, chapter 63 of the consolidated statutes of Manitoba."

Now it is resolved that this council having compared the statement of the Archbishop of St. Boniface relating to the original constitution of the Act establishing and incorporating the university of the province of Manitoba with the certificate of the clerk of the legislative assembly and custodian of the statutes of the province of Manitoba and the speech of the Hon. Mr. Royal, cannot but come to the conclusion that the Act of the legislature incorporating the university of Manitoba contemplated the establishment of chairs and professorships in said university in the course of time, and did not provide that it should be founded on the model of the university of London, and that this fact appears to have been known to the Hon. Joseph Royal, and

## University of Manitoba.

are nominated by him on the floor of the legislature of this province at the time \* \*  
\* \* \* \* \*  
the main motion was then put and carried on the following division :

YEAS :

Rev. Prof. Hart, Mr. Goggin, Mr. Mulock, Mr. Wade, Arch. Fortin, Rev. Dr. Sparling, Prof. Kenrick, Hon. Chief Justice Taylor, Dr. Gray, Dr. Corbett, Rev. McBaird, Prof. Laird, Mr. Pitblado, Dr. Jones, Mr. Aikens, Rev. Canon O'Meara, Rev. Dr. Bryce.—17.

NAYS :

The Vice Chancellor, Hon. Mr. Prendergast, Rev. Mr. Cherrier, Rev. Father Lory, Rev. M. Clouthier, Mr. Brophy and T. A. Bernier.—7.

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Mr. Mulock then moved, seconded by Mr. Wade:—

That this council do submit that the letters-patent from the Crown for the lands granted by the Dominion government should be issued without any restrictive conditions.

This motion having been put it was carried on the following division :—

YEAS :

The Chancellor, Rev. Prof. Hart, Mr. Goggin, Canon Coombs, Mr. Mulock, Mr. Wade, Canon Matheson, Arch. Fortin, Rev. Dr. Sparling, Prof. Henrick, Rev. Dr. King, Rev. A. B. Baird, Hon. Chief Justice Taylor, Dr. Grey, Prof. Laird, Mr. Pitblado, Dr. Jones, Canon O'Meara, Rev. Dr. Bryce, Dean Grisdale.—20.

NAYS :

The Vice Chancellor, Rev. Father Lory, Rev. Mr. Cherrie, Rev. Mr. Clouthier, Hon. Mr. Prendergast, Mr. Brophy, and T. A. Bernier.—7.

(Certified to be a true copy.)

T. A. BERNIER,  
Registrar.

ST. BONIFACE, 28th December, 1889.

J. R. HALL, Esq.,  
Secretary,  
Department of the Interior.

SIR,—I herewith inclose for the information of the Honourable the Minister of the Interior, a copy of letters I address to the Honourable the Minister of Justice.

I remain, sir,

Your obedient servant,

ALEX., O. M. I.,  
Arch. of St. Boniface.

ST. BONIFACE, 27th December, 1889.

Sir J. THOMPSON,  
Minister of Justice.

HONOURABLE SIR,—Very likely you have received a copy of the resolutions passed by the majority of the council of the University of Manitoba with the object of making it a teaching body; also the objections taken to my letter addressed to you August last.

Likely you have also received affidavits purporting to refute my assertions with regard to the original intent, at the time, of the founders of the university.

To this I reply that I emphatically maintain that the position I took at outset is exactly the one I mentioned in my letter to you. I myself suggested, that the words "on the model of the university of London" should be inserted in the preamble and the act would contain the clause: "There shall be no professorship or other teachership in the university."

I never knew that the words "at present" had been inserted within the just now cited clause; but after it was too late to remedy the insertion.

I would never have consented that the College of St. Boniface should join and become an integral part of a university in which teaching would be imparted without any control which could protect the students of our college in their religious belief.

As far as I am concerned, and in the face of the resolution adopted by the majority of the council (when sickness prevented me from being pre-ent), I declare that I have nothing to retract from what I have written to you.

His Lordship the Bishop of Rupert's Land, objects to the sentence of my letter which says: "The bill was discussed and adopted at the meetings of the representatives of the three colleges." Naturally His Lordship knows better than I, what was done at St. John's College, and I respectfully accept his version. The opinion I expressed with regard to this was the result of several conversations I had in 1876 and 1877 with His Honour the then Lieutenant-Governor of Manitoba, the Hon. Mr. Morris. It was he who urged upon me the advisability of joining with the two other colleges, to secure a university in Manitoba; giving me to understand that the said two colleges had meetings of their own on the subject. I at first declined the proposition, my unsurmountable objection being in regard to teaching. His Honour insisted, then I told him that I was exceedingly anxious to go as far as possible to meet the views and desires of the other colleges, that having no experience myself in University matters (there being no university in my native land when I left for the missions), I would consult and study the whole subject.

I went to Quebec in 1876, with no other object than to confer with the other bishops and see what I could do to harmonize my great desire of removing any obstacles to the university, with the sacred obligations of my position as spiritual guide of my people. In Quebec, I saw a calendar of the University of London; I studied the principal features of the institution and satisfied myself that I could allow the College of St. Boniface, to join the desired University of Manitoba, provided that the teaching of our students would remain entirely under our control. I returned to Manitoba, informed His Honour of my willingness, insisting that the functions of the university would be limited to the examining of candidates for degrees and to the granting of such degrees. The University of Manitoba was created. The new institution received congratulations from many distinguished personages, it was considered as a marvel of liberality and good will on the part of all those who had contributed to its establishment. Our dear young university has already done a great deal of good, and has been a source of enjoyment to its members. I have no doubt but it would have continued being so, if the principle of its constitution had been preserved. Unfortunately the equilibrium is disturbed; the classical affiliated colleges have lost the security of their autonomy. In the near future their own teaching may be disregarded. The council of the university itself has prepared the loss of its own control; political influences are getting hold of the result of our work and sacrifices for the twelve last years. Nobody knows what can be expected within the twelve next months or after.

In the "whereas" of the resolution, great strength is attached to certain affidavits with regard to the action of Mr. Royal. Surely the statements of the honourable gentleman himself concerning his own action in the matter, has more authority than the statement of others who know less than he does. Therefore I draw your particular attention to the letter Mr. Royal wrote me on the 30th November last of which I annex a copy marked "A." The letter speaks for itself and fully corroborates my own statement.

You may observe in the report of the meeting of the council of the university of the 23rd November, that a motion of Rev. Dr. Bryce to appoint a committee was

## University of Manitoba.

defeated. That motion would have permitted the committee to ascertain what Mr. Royal would say of the affidavit alluded to in the resolutions, and myself could have explained more fully our position, consequently the council, with the help of the new information, might have arrived at a different conclusion. Unfortunately it was otherwise decided and the Roman Catholics being the minority in the council could do nothing but to register their votes against the measure.

It is painful to observe that the liberality of the Canadian government in the granting of lands is causing unpleasantness among the members of our university.

With profound respect,

I remain your obedient servant,

ALEX.,

Archbishop of St. Boniface.

"A."

MONTREAL, 30th November, 1889.

To His Grace A. TACHE,  
Archbishop of St. Boniface,  
Manitoba.

MY LORD,—I have just read your Grace's letter to the hon. the Minister of Justice in the *Free Press* of the 23rd instant; also Mr. Wade's resolution adopted by the university Council, and I believe it to be my duty to address Your Grace some remarks suggested to me by these two documents.

1. When the question of a university for Manitoba was first mentioned to me by Hon. Mr. Morris, then Lieutenant-Governor, I agreed with him that unless the institution be made a non-teaching body, it would be impossible to expect to secure the co-operation of all the colleges in existence; and besides it would be necessary to make the organic basis sufficiently broad so as to have these colleges feel that at no time their various interests might be imperilled. Hon. Mr. Morris had been for some time desirous of laying the foundations of a university which would serve for a long time to come the educational requirements not only of Manitoba, but also of the North-west Territories, and he was strongly of the opinion that in order to carry out this scheme, the university should be so organized as to offer its members complete and absolute guarantees. I remember that I consulted Your Grace upon this matter, and I arranged to have several conversations with His Lordship of Rupert's Land. I made a first draft of the bill in French and I afterwards submitted the translation in English to the Lieutenant-Governor, which was slightly modified after some discussion with both Your Grace and the Bishop of Rupert's Land. I finally introduced the bill in the legislative assembly during the session of 1877. \* \* \* I cannot now remember whether it was before or after the introduction of the measure in the assembly that I received the visit of the Rev. Dr. Bryce and Mr. Biggs on behalf of the Manitoba College and the views of these gentlemen were submitted to the legislative council. Be that as it may, I am most positive in stating that, to my knowledge, it was never understood at that time by any one interested in the passage of the measure that the university was ever to become at any period of its existence, a teaching body, and in order that no possible misunderstanding should exist, it was expressly recited in the preamble of the bill that the projected university was organized on the model of the London University, which is a degree conferring body, and that alone.

2. How the words "at present" became to be interlineated in the bill, I am at a loss to know. The principle of the measure, that is the establishment of a purely non-teaching body, was solemnly affirmed by the assembly when it agreed to the second reading of the bill, and by the adoption of its preamble by the committee of the whole; the words "at present" appear to have been added when the measure was committed, but it is a well known rule that a committee of the whole can only deal with the details of a bill. Besides this extraordinary feature of the amendment, I can safely assert that such was the importance attached to the measure that it seems well nigh

impossible that such a material modification should have been made unchallenged or unnoticed by any of those who, in the framing of the bill, had evinced a lively interest.

3. It seems that by the report of the *Free Press*, I am reported as having stated upon the motion for the second reading of the University Bill, that the university might eventually become a teaching body. I have evidently been misrepresented if not misunderstood by the reporter. I may have mentioned to the House the circumstances under which the bill had been prepared; I may have told the assembly about the views held respectively by the three colleges, and the desire expressed by some to provide in the future for the creation of at least chairs which in their opinion no objection might be raised to—but the reporter, in making a very condensed indeed summary of my remarks, certainly got himself mixed up if he reported as mentioned above. I suppose I need not say here that a parliamentary report, if not official, or if not expressly approved at the time by the speaker, is no evidence at all, or at least an evidence of a very lame and questionable nature. As a rule a newspaper gets up its report of the debates of a legislature more with a view to advance, further or promote the cause or the party it supports than to give a full, impartial and correct report of what is said on both sides. Such an impartial and complete report is only to be found in the *Standard*, and yet, who does not know that the reports of the *Standard*, as carefully made as money and ability can make them, are not unusually corrected in the House by members complaining of omissions, mistakes and sometimes grave misrepresentations. That I have not apparently taken any steps to put myself right on this question of being made to have said exactly the opposite of the report, will be easily understood when one bears in mind the amount of work and the multiplicity of cares, which at the time were the lot of an attorney general and leader of the assembly during a session.

I have the honour to be of Your Grace,

The most humble servant,

J. ROYAL.

ATTORNEY GENERAL, MANITOBA.

WINNIPEG, MANITOBA, 2nd January, 1890.

The Hon. EDGAR DEWDNEY,  
Minister of the Interior,  
Ottawa, Ontario.

SIR,—The council of the University of Manitoba have drawn the attention of this government to a proposed restriction in the patents of their land grant. I am instructed by the government to enter a protest against the restriction contained in the following clause in said proposed patent—"Provided always that if at any time hereafter the said university shall be dissolved or shall cease to exercise its functions as a university, or if at any time hereafter the said university shall cease to be constituted as provided by its present Act of incorporation, Chap. 63 of the Consolidated Statutes of Manitoba, then and in such case any and all of the said lands which may remain unsold shall revert to and become re-vested in us and our successors, &c., &c."

It is the portion of said quoted clause which prohibits a change in the constitution of the said university, to which I am instructed to object. The grant of 150,000 acres to the University of Manitoba was part of the settlement made between this government and the Dominion government in 1888. We therefore consider that the Dominion government have no right to restrict the powers of this legislature in dealing with a body like the University of Manitoba, which is entirely the creation of our own legislature. I urge this point strongly as a matter of strict right, and I would also point out that in the interest of the university it would be a most unfortunate provision; the practical effect of such a restriction must be to prevent any change whatever in the university, no matter how clearly experience might show the necessity of some change. The draft patent I understand is only a proposed one, and I feel quite sure when your

## University of Manitoba.

government consider our rights in the matter and also the effect it would have upon the future of the university, you will have no difficulty in striking out the obnoxious clause.

I have the honour to be, sir,  
Your obedient servant,

JOSEPH MARTIN,  
Attorney General.

DEPARTMENT OF THE INTERIOR,  
OTTAWA, 10th January, 1890.

R. SEDGEWICK, Esq., Q.C.,  
Deputy Minister of Justice,  
Ottawa.

SIR,—I have the honour to inclose herewith, for the consideration of the Honourable the Minister of Justice, a copy of a letter received here from the Honourable Joseph Martin, Provincial Lands Commissioner for Manitoba, protesting against the form of patent proposed to be used in conveying to the University of Manitoba the lands comprised in their land grant. His Grace the Archbishop of St. Boniface has sent to the Minister of the Interior a copy of a letter dated the 27th ultimo, which he has addressed to the Minister of Justice on this subject, and also a copy of a letter from the Hon. Joseph Royal, inclosed therewith.

I have the honour to be, sir,  
Your obedient servant,  
A. M. BURGESS,  
Deputy of the Minister of the Interior.

DEPARTMENT OF THE INTERIOR,  
OTTAWA, 10th January, 1890.

His Grace  
The Right Reverend ARCHBISHOP TACHE,  
St. Boniface, Manitoba.

MY LORD,—I have the honour, by direction, to acknowledge the receipt of your letter of the 28th ultimo, inclosing for the information of the Minister of the Interior a copy of your letter of the 27th ultimo, addressed to the Minister of Justice, in regard to the form of patent proposed to be used in conveying to the University of Manitoba the lands comprised in their land grant. The subject is receiving consideration.

I have the honour to be, my lord,  
Your lordship's obedient servant,  
LYNDWODE PEREIRA,  
For the Secretary.

DEPARTMENT OF THE INTERIOR,  
OTTAWA, 10th June, 1890.

The Hon. JOSEPH MARTIN,  
Provincial Lands Commissioner,  
Winnipeg, Manitoba.

SIR,—I have the honour, by direction, to acknowledge the receipt of your letter of the 2nd instant, protesting against the form of patent proposed to be used in conveying to the University of Manitoba the lands comprised in their land grant; and to say that the matter is receiving consideration.

I have the honour to be, sir,  
Your obedient servant,  
LYNDWODE PEREIRA,  
For the Secretary.

WINNIPEG, MANITOBA, 27th January, 1890.

Hon. EDGAR DEWDNEY,  
Minister of the Interior,  
Ottawa.

*Re University Lands.*

DEAR MR. DEWDNEY,—I understand that the Commissioner of Dominion Lands has forwarded to you a copy of my reply to his letter of the 7th instant, inclosing your ruling limiting the university selection to three sections in a township in those south-western townships in which a greater number of sections has been selected. That being the case I can make this communication brief. On behalf of the university, then, I may say that although when the selection of university lands was first begun last February, it was with the understanding that only two sections were to be selected in a township, the sub-committee understood that that basis had long since been departed from. You will remember that at the interview here in September, for instance, you spoke of giving us a township in Lake Dauphin country. We all believed that it having proved impossible to procure anything like our complete grant of fair average lands at the rate of two sections per township, the government were willing to give us a block of land to close out the grant. Mr. Ruttan, with whom we have carried on the work of selection for nearly a year now, admitted to the commissioner in my presence that he did not understand we were to be limited to two sections per township. Finally I may say that the department by re-opening the townships to the University in which more than two sections had already been selected made it impossible for the Committee to believe that it was the intention to confine the selections to two sections in a township. The townships in which the university is asked to give up lands are 5, 6, 7, 8 in R. 28, and 1, 2, 3, 5, 6, 7, 8, 9 in R. 29. By my letter to the commissioner you will see that all these were re-opened to us for purposes of selections *after* the university had selected more than two sections in almost every one of them. The university incurred great expense in examining the lands in all these townships which were re-opened soon after the interview with you in September here, and after you found it impossible to grant an allotment in the Dauphin District. Under these circumstances it would work a great hardship to the university to be deprived of some thirty thousand acres of the only good land it has been able to obtain besides losing all the expenditure incurred in a selection which it was invited by the government to enter upon in townships where the limit of two or three sections had already been greatly exceeded. I am taking steps to have a meeting of the council called at once and can only ask that you will not allow any of the land selected to be diverted elsewhere in the meantime.

I am yours respectfully,

FRED. C. WADE.

UNIVERSITY OF MANITOBA,

WINNIPEG, 18th February, 1890.

To the Honourable  
The Minister of the Interior,  
Ottawa.

HON. SIR,—I have the honour to transmit to you the following resolutions which were adopted by the council of the University of Manitoba at a special meeting held on the fourteenth day of February, viz :—

1. "The council of the University of Manitoba having had before it the letter of the Deputy Minister of the Interior, transmitted by Mr. Ruttan, Assistant Secretary of Dominion Lands Commissioner—disallowing the excess over three sections selected by this university in any township, would in view of the facts, first :—that the selection of the excess which it is proposed to disallow, was made in the townships affected with the knowledge of the Dominion Lands Commission at Winnipeg ; second :—that



## University of Manitoba.

large expense has been incurred in connection therewith ; and third :—that great difficulty has been experienced in the past in completing the selection, that still greater may be anticipated in the future in the event of the disallowance being pressed to the extent proposed, most earnestly urge in the interest of an early and satisfactory settlement of the land grant, that the selection made in these circumstances and with such cost, should be allowed to the extent of at least five sections in these townships."

2. "Resolved that in view of the approaching summer and the danger that the university would incur by dealing with the lands allotted to it by the Dominion government before said lands are patented to the university, the university council desires to urge upon the Dominion government the necessity of issuing to the University at the earliest possible moment patents for all the lands already selected by the university."

I have the honour to be, hon. sir,  
Your most obedient servant,

T. A. BERNIER, Registrar.

WINNIPEG, MAN., 22nd July, 1891.

HON. EDGAR DEWDNEY,  
Minister of the Interior,  
Ottawa.

### *Re-University Lands.*

SIR,—At a mass meeting of the graduates of Manitoba University held in the city hall council chamber on the 3rd June last, at which Mr. D. J. Goggen was Chairman, the following resolution was adopted ;

Moved by J. J. Huggard, seconded by Dr. Ferguson, and resolved.

"It is desirable that the university should become a teaching body and that as soon as possible."

Moved by F. C. Wade, seconded by Isaac Pitblado, and resolved :

"That the patent for the University lands should be issued as soon as possible and without condition." The meeting was an adjourned one called expressly for the consideration of these questions, and was thoroughly representative. Both resolutions were carried unanimously. I make this communication to you now as it is possible that no copies of the resolutions have been sent you.

I am yours very truly,

F. C. WADE.

WINNIPEG, MAN., 1st August, 1891.

At a meeting of the university council held in the university rooms, on Friday, the 31st July, 1891, for the purpose of discussing matters relative to the obtaining letters patent for the land granted to the university, it was resolved :

"That this Council reaffirm the resolution 22nd November, 1889, viz : That this Council do submit that the letters patent from the Crown for the lands granted by the Dominion government should be issued without any restrictive conditions, and request the authorities to grant our prayer."

It was further resolved : That the Chancellor be requested to forward the above to the Hon. the Minister of the Interior.

(Certified correct.)

G. J. LAIRD,  
Acting Registrar.

HIS LORDSHIP

The Bishop of Rupert's Land, Bishop's Court,  
Winnipeg, Man.DEPARTMENT OF THE INTERIOR,  
Ottawa, 15th August, 1891.

MY DEAR LORD BISHOP,—I duly received your communication of the 4th instant written from Banff, in reference to the land grant to the Manitoba University, and the issue of patents therefor. In reply I beg to inform your lordship that the list of lands to go to the university has been made out and is now being gone over carefully for the last time. I am pleased, therefore, to be able to state that we expect to be in a position to issue these patents at a very early date, and I shall do all in my power agreeably to your lordship's wishes, to see that no further delay takes place in this matter.

Believe me, my dear Lord Bishop,  
Yours sincerely,

E. DEWDNEY.

MANITOBA COLLEGE.

WINNIPEG, 26th September, 1891.

Hon. EDGAR DEWDNEY,  
Ottawa.

MY DEAR SIR,—Some time ago I wrote to you about the university lands, and received a reply of a favourable kind from you as to the early issue of the patent. The chancellor also received a letter which seemed very favourable, and the university was pleased with your views. May I ask how matters stand at present? Our university progress in Manitoba now seems to depend on the land being transferred as soon as possible. Were this done we might expect to have a building erected and other steps in advance taken. Would it be too much trouble for you to let me know the present position of the patent?

I have the honour to be,  
Your obedient servant,

GEORGE BRYCE.

MANITOBA UNIVERSITY,  
WINNIPEG, MAN., 7th November, 1891.The Hon. E. DEWDNEY,  
Ottawa.

DEAR SIR,—The question of the form of the patent for the university lands is not yet settled; the university have passed resolutions, which are in your hands no doubt, to the effect that the patents should be free from conditions.

I gather from what I hear that there is a move on the part of some to request you to issue the patent subject to conditions affecting the college.

Cannot something be done towards settling the question? It is a pity if we have to go through the same difficulties again, but if it cannot be helped I suppose we must. The people will not be satisfied with anything short of a clear patent.

I am, believe me,  
Yours truly,

W. REDFORD MULOCK.

(I write this unofficially.)

# University of Manitoba.

DEPARTMENT OF THE INTERIOR,  
OTTAWA, 19th November, 1891.

W. R. MULOCK, Esq., Q. C.,  
Winnipeg, Man.

DEAR MR. MULOCK,—Your letter of the 7th instant respecting the Manitoba University lands, came duly to hand. The question of issuing patents for these lands, and the form the patent should take, has just been under discussion in council; and a sub-committee has been asked to report on the matter. They are now looking into it and I am in hopes that in a very short time the question will be disposed of, and I will see that no time is lost in advising you when a decision has been arrived at.

Believe me yours sincerely,  
E. DEWDNEY.

BISHOP'S COURT,  
WINNIPEG, Man., 6th November, 1891.

The Hon. E. DEWDNEY, M. P.,  
Minister of the Interior, &c.

DEAR MR. DEWDNEY,—There was a meeting to-day of the Land Committee and afterwards of the council, when resolutions were passed requesting me to ask what progress was being made in the allotment of the lands to the University and to press for the issuing of the patent, as requested by the university.

The examination and selection of the lands were made at a very considerable cost, and there is an uneasy feeling that lands are being withdrawn and will continue to be withdrawn to the great prejudice of the university, till the government has distinctly set the university lands apart. Many interested in the university feel hurt already at the loss the university has probably already suffered from the delays in the allocation. The range of selection was limited.

I am faithfully yours,  
R. RUPERT'S LAND.

WINNIPEG, MAN., 23rd November, 1889.

The Honourable E. DEWDNEY,  
Minister of the Interior,  
Ottawa.

DEAR MR. DEWDNEY,—I am very much obliged to you for your letter of the 19th instant. If there is any possibility of the sub-committee reporting in favour of the patent being issued subject to the condition which is questioned, I think the university authorities ought to know it formally before that conclusion is actually arrived at.

Yours truly,  
W. REDFORD MULOCK,  
Secretary Land Commission.

DOMINION LANDS COMMISSION,  
WINNIPEG, 10th February, 1892.

The Honourable EDGAR DEWDNEY,  
Ottawa.

DEAR MR. DEWDNEY,—I am asked when the patent for the university lands will issue. Can you give me any information on the subject, which I can make public?

Yours truly,  
H. H. SMITH.

## CHAPTER 35.

An Act to amend "The University Act of Manitoba." Assented to 11th March, 1893.

Her Majesty, by and with the advice and consent of the legislative assembly of the province of Manitoba, enacts as follows:

1. Paragraph (b) of section 4 of chapter 147 of the Revised Statutes of Manitoba is hereby repealed and the following substituted therefor:

(b.) Four representatives to be selected by the College of Physicians and Surgeons and three representatives to be selected by the Manitoba Medical College. The elections of such representatives shall take place in such manner as may be prescribed by said Colleges respectively; the members of the council holding office as representatives of the College of Physicians and Surgeons at present shall remain in office until the expiration of the terms for which they were elected.

2. Said section 4 of said Act is hereby further amended by adding thereto the following paragraph:

(d.) Seven representatives to be appointed by the Lieutenant-Governor in council, who shall hold office for the term of three years. The member of the executive council for the time being at the head of the Department of Education shall be ex-officio a member of the council.

3. The Lieutenant-Governor in council may, after consultation with the Council, or with a Committee thereof, appoint professors and assistant professors to be paid by the Government of the province in the branches of modern languages and mathematics subsequent to the previous year, and in Natural Sciences. It shall not be competent for the Council to abolish any of the chairs so established, and the professors and assistant Professors so appointed shall hold office during pleasure.

4. There shall be no fees charged to students of the university in connection with the Lectures to be delivered by such professors and assistant professors.

5. The allotment of land granted by the Dominion of Canada as an endowment to the University of Manitoba shall not, when vested in the university, be sold, conveyed or disposed of without the consent of the Lieutenant-Governor in Council.

6. The council of the university may enact statutes for the investment and the application of the proceeds of the sales of the said land in the next preceding section mentioned, but such statutes shall only take effect upon approval by the Lieutenant-Governor in Council.

7. This Act shall come into force on the day it is assented to.

UNIVERSITY OF MANITOBA,

WINNIPEG, 7th July, 1897.

To the Honourable

The Minister of the Interior,

Ottawa, Ont.

DEAR SIR,—I have been instructed by the university council to forward to you the inclosed copy of a resolution which was passed at a meeting of the university council held to-day.

The motion was moved by Rev. Principal Sparling, D.D., and seconded by Very Rev. Dean O'Meara, M.A., D.D.

I have the honour to be, sir,

Your obedient servant,

J. PITBLADO,

Registrar.

Moved by Rev. Principal Sparling, D.D., seconded by Very Rev. Dean O'Meara, M.A., D.D.

Whereas so early as the year 1878, application was made to the Dominion government by the University of Manitoba for a land grant; and in the following year

## University of Manitoba.

another application was made through the local government and in the next succeeding year a petition to the same effect was sent to the Dominion government, which was favourably responded to by the Premier, Sir John Macdonald; and in the year 1881 and 1882, action was taken by the university to urge the granting of such lands.

Whereas in the year 1885, in what was known as the Better Terms Settlement (48 and 49 Victoria, chapter 50, section 2) it is declared:

"An allotment of land not exceeding one hundred and fifty thousand acres of fair average quality, shall be selected by the Dominion government and granted as an endowment to the University of Manitoba for its maintenance as a university, capable of giving proper training in the higher branches of education, and to be held in trust for that purpose upon some basis or scheme to be framed by the university, and approved by the Dominion government."

Whereas on the 28th of January, 1867, the university council unanimously adopted the following:—

Regulations under 48 and 49 Vic., chap. 50 Dom.

1. After the selecting and granting of the lands made under the provisions of section 2 of chap. 50, 48 and 49 Vic., the University of Manitoba shall cause to be kept one or more land registers, which shall contain a description of the said lands, the quality and character thereof, so far as the same can be ascertained from the field notes of the surveys and the official maps of the portions of the country where such lands are situate. The land register shall also contain a complete record of all the particulars respecting the management, sales and disposition of such lands.

2. The said lands shall be held upon the following trusts: The university may at any time, in such manner and on such terms as they may deem proper, sell and dispose of or lease the said lands or any portion thereof, and receive the proceeds and income resulting therefrom.

3. The university may apply such portions of said proceeds and income as may be considered proper to pay the expenses of the care and management of the said lands and of the moneys arising therefrom.

4. To purchase a suitable site, and to erect thereon university buildings and to furnish the same.

5. To invest such portions of said proceeds as may not be immediately required for any of the objects aforesaid in such securities, and on such terms as the council may deem proper and safe, for the purpose of deriving an income therefrom, and the council may apply the income arising out of the leasing of said lands and from such investments, or any portion thereof, to any of the purposes aforesaid.

6. Or to any other purpose contemplated by the said chap. 50, 48 and 49 Vic.

7. The management of such lands and the proceeds or incomes arising therefrom shall be under the control of the council of the university, which may appoint all such committees or persons as may be considered necessary for the purpose thereof, and may pay any such person so appointed, if deemed requisite."

And the foregoing basis was approved by Order in Council of the Dominion Government on the 15th June, 1887.

Whereas the local government in 1888 granted \$4,000 for the selection of such lands, and such lands were selected by the Dominion government, and accepted by the university, and are reserved for the use of the university.

Whereas the university is not now permitted to manage or control the said lands in any way or to receive any revenue therefrom.

Whereas the large increase in students in the university, as shown by 350 presenting themselves in arts and 75 in medicine at this year's examination, has led to negotiations between the university and the local government as to providing proper facilities for the work of the university; and the legislature has passed legislation for the advance of certain sums on the security of the land.

And whereas it is absolutely necessary for the furtherance of university education in Manitoba that immediate steps be taken in this matter.

Therefore the university council strongly urges the Dominion government to issue without delay the patent of the aforesaid lands to the University of Manitoba on the terms of the trust set forth and already approved by the Dominion government.

Further the council instructs the registrar to forward copies of this resolution to the Hon. the Minister of Justice and the Hon. the Minister of the Interior, at Ottawa.  
Carried at a meeting of the university council, held this 6th day of July, 1897.

J. P.

WINNIPEG, MAN., 9th November, 1897.

Hon. CLIFFORD SIFTON,  
Minister of the Interior,  
Ottawa, Ont.

DEAR SIR,—In July last, the council of our university made application to the Dominion government to transfer to the university the 100,000 acres of land set aside for the purpose of that body. This was but a reiteration of the wish expressed by them for some time past, and is one that with the lapse of time becomes more and more imperative if higher education is to hold its own in this country. I understand they are again making an effort to get your government to transfer these lands, and I think it very necessary that this should be done at the earliest possible moment. Would you kindly take it up and see if the same could not be carried out at once? I presume you have a copy of the resolution in regard to the matter passed at the meeting in July, but in case it has been mislaid, I inclose you herewith a memo. of same. Trusting you may see your way clear to press upon the government the immediate issue of the patents.

I remain yours truly,

J. H. ASHDOWN.

WINNIPEG, 25th November, 1897.

Hon. CLIFFORD SIFTON, &c.

MY DEAR SIR,—Thinking it might be of service to you in dealing with the question of our university lands, I have received from our members and Mr. Ashdown their opinions about the speedy granting of the lands to the university.

If we do not get these lands before the meeting of the legislature, our arrangement will fall through, and we may not for years succeed in reviving the question. The province is suffering at present in the character of its science teaching.

I am yours truly,

GEORGE BRYCE.

PORTAGE LA PRAIRIE, Man., 11th November, 1897.

Dr. BRYCE, Winnipeg.

DEAR SIR,—As it is any case desirable to have the university in the public interest, obtain control of its lands, you may put me down as being in favour of the issue of the patent at as early a date as possible.

I remain yours faithfully,

J. G. RUTHERFORD.

Certified as a true copy of an extract from }  
letter to Dr. Bryce, written by J. G. }  
Rutherford.

J. PITBLADO.

# University of Manitoba.

WINNIPEG, MAN., 6th November, 1897.

Dr. BRYCE,  
Manitoba College, City.

DEAR DR. BRYCE,—I have carefully considered the resolution adopted on July 17th last, regarding the lands granted to the University of Manitoba and heartily approve of the same. I will do all that lies in my power to further the objects referred to in that resolution.

Yours truly,

R. W. JAMESON.

Certified a true copy.

J. PITBLADO.

WINNIPEG, 30th October, 1897.

DEAR DR. BRYCE,—In thinking over the question of the Manitoba University, I arrived at the conclusion that it would be in the best interests of that body and of the interests of higher education, if the Dominion government would issue with as little delay as possible to the University of Manitoba, the patent to the land grant which was set aside by the said government for the university as a condition of the "better terms" arranged I think in 1885, and I shall be pleased to exert any influence which, as a member of the Dominion House of Commons, I may possess, to secure the speedy issuance of the patent.

Yours faithfully,

R. L. RICHARDSON.

Certified a true copy.

J. PITBLADO.

WINNIPEG, 12th November, 1897.

Rev. DR. BRYCE, Winnipeg.

DEAR SIR,—My attention has been called to the fact that the university lands granted under the "better terms" Act of 1885 have not been handed over to the university. I can see no reason why this long delay should have taken place. The University of Manitoba represents all classes in our province, and desires to utilize these lands for the advancement of higher education. I am entirely in favour of the action taken by the university council in asking that these lands be handed over to it without delay. The interests of higher education are suffering in the province, especially in the departments of science which the university wishes to help. I shall do all in my power to help forward this matter, both by letter and by personal advocacy at Ottawa.

Yours very truly,

JNO. A. MACDONELL,

M.P., Selkirk.

Certified a true copy.

J. PITBLADO.

DEPARTMENT OF THE INTERIOR,

OTTAWA, 24th December, 1897.

J. PITBLADO, Esq., M.A., LL.B.,  
Registrar, University of Manitoba,  
Winnipeg, Man.

SIR,—With reference to your letter of the 7th of July last, in the matter of the Dominion grant of lands to the University of Manitoba, I now beg to submit an amended draft form of patent, which has been approved by the Minister of Justice, and to request that you will be good enough to lay the same before the university council for approval,

and if satisfactory to return it here, when steps will be at once taken to prepare the several patents to cover the university grant in question.

It will be observed that the draft now inclosed is similar to the one already submitted to the university council, with the exception of the following words which have been, in accordance with the wishes expressed by your council, eliminated from the clause providing for the reversion of the said grant to the Crown in certain events:—  
“Or if at any time hereafter the said university shall cease to be constituted as provided by its present Act of Incorporation, chapter 63 of the Consolidated Statutes of Manitoba.”

I have the honour to be, sir,  
Your obedient servant,

JAS. A. SMART,  
Deputy Minister.

CANADA.  
VICTORIA, &C.,

To all to whom these presents shall come,

Greeting:

WHEREAS in and by Chapter 47 of the Revised Statutes of Canada intituled “An Act respecting the province of Manitoba” it is amongst other things in effect enacted that an allotment of land not exceeding one hundred and fifty thousand acres of fair average quality shall be selected by the Dominion government and granted as an endowment to the University of Manitoba, a body corporate and politic, under the provisions of the Consolidated Statutes of Manitoba, chapter sixty three, for its maintenance as a university capable of giving proper training in the higher branches of education, and to be held in trust for that purpose, upon some basis or scheme to be framed by the university and approved by the Dominion government.

AND WHEREAS the lands hereinafter mentioned and described, the same being Dominion lands within the meaning of the Dominion Lands Act, have been selected by the government of Our Dominion of Canada, to be granted to the said “The University of Manitoba” (hereinafter sometimes called the said university) in pursuance of the Act firstly above mentioned.

AND WHEREAS the said university has framed a basis or scheme under which it is proposed that the said lands shall be held by the said university upon certain trusts which are hereinafter embodied and set forth.

AND WHEREAS the said basis or scheme has been duly approved by our Governor General in Council who has authorized the issue of letters patent granting the said lands to the said university upon and subject to the trusts and conditions hereinafter expressed and contained.

Now know ye that we do by these presents grant, convey and assure unto the said University of Manitoba, their successors and assigns for ever, all the parcel or tract of land, situate, lying and being in the

(Description of land.)

To have and hold the said lands unto the said “The University of Manitoba” their successors and assigns for ever for the purposes hereinafter mentioned and upon and subject to the trusts and conditions hereinafter expressed and contained, saving and reserving, nevertheless, unto us, our successors and assigns, the free uses, passage and enjoyment of, in, over and upon all navigable waters that now are or may be hereafter found on, or under, or flowing through or upon any part of the said parcel or tract of land; also reserving thereout and therefrom all rights of fishery and fishing and occupation in connection therewith upon, around and adjacent to said lands, and also the privilege of landing from and mooring boats and vessels upon any part of the said lands and using the said land in connection with the rights of fishery and fishing hereby reserved, so far as may be reasonably necessary to the exercise of such rights, provided always that the said lands are to be held by the said university, their successors and



## University of Manitoba.

assigns, for the purposes hereinafter mentioned and upon and subject to the following trusts and purposes, that is to say:—

1. That the said University, their successors and assigns may at any time and in such manner and on such terms as they may deem proper, sell and dispose of or lease the said lands or any portion thereof, and receive the proceeds or income resulting therefrom.

2. That the said university, their successors or assigns, may apply such portion of the said proceeds and income as may be considered proper to pay the expenses of the care and management of the said lands and of the moneys arising therefrom; to purchase a suitable site or suitable sites for and to erect thereon university buildings and to furnish such buildings and shall invest such portion of the said proceeds as may not be immediately required for any of the said objects in such securities and on such terms as the said university, their successors or assigns may deem proper and safe for the purpose of deriving an income therefrom, and may apply the income arising out of the leasing of the said lands and from such investments or any portion thereof to any of the purposes aforesaid or to any purposes contemplated or provided for by the Act of Incorporation of the said university; and may also from time to time, with the express sanction and approval of our Governor in Council, but not otherwise, apply any part of such income to any other purpose connected with the work of the university or the objects for which it was created.

Provided always that if at any time hereafter the said university shall be dissolved or shall cease to exercise its functions as a university, then and in such case any and all of the said lands which may remain unsold shall revert to and become revested in us and our successors as of our and their former estate therein; and all funds in the hands of the said university, their successors or assigns, the proceeds of, or which in any way result from the sale, lease or other disposal of the said lands, shall be immediately paid over to us, our successors or assigns.

Provided, further, and it is hereby made an express condition of this grant, that at all times hereafter the said university, their successors and assigns shall keep or cause to be kept such separate and distinct accounts of the proceeds and income resulting from the sale, lease, or other disposal of and of all moneys in any way derived from or arising out of the said lands as shall clearly and readily disclose the amount and nature thereof as well as all dealings therewith and also that all books, vouchers and papers containing or in any way relating to such account, shall at all times be open to the inspection of any person or persons appointed by our Governor in Council to inspect the same.

(Great Seal.)

DEPARTMENT OF THE INTERIOR,

OTTAWA, 24th December, 1897.

PROFESSOR GEORGE BRYCE,  
Winnipeg, Man

DEAR SIR,—Referring to your letter of the 25th ultimo, addressed to the Minister of the Interior, in the matter of the Manitoba University land grant, I beg to inclose you herewith a copy of my letter, of even date, addressed to Mr. Pitblado, which is accompanied, as you will see, by a draft form of patent for approval by the university council.

Yours truly,

JAS. A. SMART,  
Deputy Minister.

## DEPARTMENT OF JUSTICE,

OTTAWA, 8th February, 1898.

SIR,—I have the honour to transfer to your department a letter of the 4th inst. from the registrar of the University of Manitoba, inclosing a draft form of patent for university lands.

I am, sir,

Your obedient servant,

E. L. NEWCOMBE,

Deputy Minister of Justice.

## UNIVERSITY OF MANITOBA,

WINNIPEG, 4th February, 1898.

The Deputy Minister of Justice,  
Ottawa, Ont.

DEAR SIR,—The draft form of patent for university lands recently submitted by you, has been duly considered by the university council, and I now beg to hand you herewith a form of patent, which was approved by the university council at a meeting held on the 3rd inst. I trust that the amendments made will meet with the approval of the Minister of Justice, and that the patent for the university lands will now issue in due course.

Yours truly,

J. PITBLADO,

Registrar.

## UNIVERSITY OF MANITOBA.

The following is the draft form of patent for the university lands, as approved by the committee appointed at last meeting, which is to be considered at the special meeting of council to be held Thursday, 3rd February, 1898, at 4 p.m.

CANADA.

VICTORIA, &amp;c.,

To all to whom these presents may come,

Greeting :

Whereas in and by chapter 47 of the revised statutes of Canada, intituled : An Act respecting the Province of Manitoba," it is amongst other things in effect enacted that an allotment of land not exceeding one hundred and fifty thousand acres of fair average quality shall be selected by the Dominion government and granted as an endowment to the University of Manitoba, a body corporate and politic under the provisions of the consolidated statutes of Manitoba, chapter sixty-three, for its maintenance as a university capable of giving proper training in the higher branches of education, and to be held in trust for that purpose, upon some basis or scheme to be framed by the university and approved by the Dominion government.

And whereas the lands hereinafter mentioned and described the same being Dominion lands within the meaning of the Dominion Lands Act, have been selected by the government of our Dominion of Canada, to be granted to the said "The University of Manitoba" (hereinafter called the said university) in pursuance of the Act firstly above mentioned.

And whereas the said university has framed a basis or scheme under which it is proposed that the said lands shall be held by the said university upon certain trusts which are hereinafter embodied and set forth.

And whereas the said basis or scheme has been duly approved by our Governor General in Council who has authorized the issue of letters patent granting the said

## University of Manitoba.

lands to the said university upon and subject to the trusts and conditions hereinafter expressed and contained:

Now know ye that we do by these presents, grant, convey and assure unto the said University of Manitoba, their successors and assigns for ever, all that parcel or tract of land, situate, lying and being in the

(Description of property.)

To have and to hold the said lands unto the said the University of Manitoba, their successors and assigns for ever, for the purposes hereinafter mentioned and upon and subject to the trusts and conditions hereafter expressed and contained, saving and reserving, nevertheless, unto us, our successors and assigns, the free uses, passage and enjoyment of, in, over and upon all navigable waters that now are or may be hereafter found on, or under, or flowing through or upon any part of the said parcel or tract of land; also reserving thereout and therefrom all rights of fishery and fishing and occupation in connection therewith, upon, around and adjacent to said lands, and also the privilege of landing from and mooring boats and vessels upon any part of the said lands, and using the said lands in connection with the rights of fishery and fishing hereby reserved, so far as may be reasonably necessary to the exercise of such rights. Provided always that the said lands are to be held by the said university, their successors and assigns for the purposes hereinafter mentioned, and upon and subject to the following trusts and purposes, that is to say:—

1. That the said university, their successors and assigns, may at any time and in such manner and on such terms as they may deem proper, sell and dispose of, mortgage, pledge, or lease the said lands or any portion thereof, and receive the proceeds or income resulting therefrom.

2. That the said university, their successors or assigns, may apply such portion of the said proceeds and income as may be considered proper, to pay the expenses of care and management of the said lands and of the moneys arising therefrom; to purchase a suitable site, or suitable sites, for and to erect thereon university buildings and to furnish such buildings, and shall invest such portion of the said proceeds as may not be immediately required for any of the said objects, in such securities and on such terms as the said university, their successors or assigns, may deem proper and safe for the purpose of deriving an income therefrom, and may apply the income arising out of the leasing of the said lands, and from such investments or any portion thereof to any of the purposes aforesaid or to any purposes contemplated or provided for either by the said chapter 47 of the Revised Statutes of Canada or by the Act of Incorporation of the said university, or any acts amending the same.

Provided always, that if at any time hereafter the said university shall be dissolved or shall cease to exercise its functions as a university, then, and in such case, any and all of the said lands which may remain unsold shall revert to and become revested in us and our successors as of our and their former estate therein, subject to any mortgage or pledge which may have been given by the said university; and all funds in the hands of the said university, their successors or assigns, the proceeds of, or which in any way result from the sale, lease, mortgage, pledge or other disposal of the said lands, shall be immediately paid over to us, our successors or assigns.

Provided further, and it is hereby made an express condition of this grant, that at all times hereafter the said university, their successors and assigns, shall keep or cause to be kept such separate and distinct accounts of the proceeds and income resulting from the sale, lease, mortgage, pledge or other disposal of, and of all moneys in any way derived from or arising out of the said lands as shall clearly and readily disclose the amount and nature thereof as well as all dealings therewith, and also that all books, vouchers and papers containing, or in any way relating to such account, shall at all times be open to the inspection of any person or persons appointed by our Governor in Council to inspect the same.

(Great Seal.)

The above form of patent was approved at the meeting of the university council held 3rd February, 1898.

J. PITBLADO.

Registrar.

WINNIPEG, MAN., 4th February, 1898.

*Re University Land Grant.*

The Hon. CLIFFORD SIFTON,  
Minister of the Interior,  
Ottawa, Ont.

DEAR SIR,—At a meeting of the university council held yesterday, two reports of committees were submitted. A copy of the minority report is herewith enclosed. The objections of the minority to the report of the majority (which report was accepted by a majority of the council) are, amongst others.

1. That the form of patent as approved by the majority, authorizes the university to mortgage or pledge its endowment. The objection of the minority to this is that the grant of one hundred and fifty thousand acres according to the terms of the statute, was for an endowment to the university—in other words, the creation of a perpetual provision out of the lands for the maintenance of a university capable of giving proper training in the higher branches of education. The minority think that the power to mortgage or pledge would be inconsistent with, and contrary to the spirit and intention of the grant, and if exercised, would be destructive to the perpetual provision for the maintenance of the university out of the lands.

2. Minority think that unless the statute making the grant clearly authorized the right in the university to mortgage or pledge those lands for the purpose of raising money at interest, such power should not be given to a body varying so greatly in divers interest, and likely to vary in its constitution, as the university council.

3. The form of patent as approved by the majority of the council, also provides that the income may be applied to any purpose contemplated by the provincial Act of Incorporation of the university, or any Acts amending the same. The minority of the council think that the purpose of the grant is clearly expressed in the statute making the grant, and that it was not contemplated by the parliament of the Dominion that the legislature of the province of Manitoba should have power by its legislation to authorize the university council to divert the income arising out of the lands to any purposes not contemplated by the statute making the grant. By the terms of the form of the proposed patent adopted by the majority, the legislature of the province of Manitoba would, by Acts amending the University Act, have power to change the purposes of the grant and to apply it to purposes other than those originally intended. Indeed, the present legislature of the province of Manitoba, chapter 35, 60 Victoria, in amending the University Act, indicates to what extent it is possible for the income from the lands to be diverted from its original purpose.

(4.) The minority also think that as the basis of trust agreed upon by the university council in the year 1887, was approved by the Governor General in Council shortly after, that basis of trust should be the one to be incorporated in the patent, and no other, unless such basis of trust is altered by the university council with the assent of the Governor General in Council. The form of the patent as proposed by the minority contains strictly the basis of trust agreed upon by the university council and approved by the Governor General in Council, which does not authorize the university to mortgage or pledge its endowment; nor does it put it in the power of the local legislature from time to time to vary the application of the income arising out of the lands to any other purpose than that contemplated by the Act making the grant.

I asked the registrar of the university this morning if he would, in forwarding the report as passed by the council, notify your department that the university council were not unanimous in their recent action concerning the issue of the patent. He said, however, that it was not customary to do so, and in order that you may be seized of all facts in connection with this matter, I have set forth briefly the contention of the minority on the council; and I inclose also with this, a memorandum showing the division of the council, with the names of those who voted for and against the form of patent sent to you.

Yours truly,

HEBER ARCHIBALD.

# University of Manitoba.

## UNIVERSITY OF MANITOBA.

The following is the draft form of patent for the university lands, as submitted by the Department of the Interior, Ottawa, which is to be considered at the special meeting of council to be held Friday, 7th January, 1898, at 4 p.m.

CANADA.  
Victoria, &c.

To all to whom these presents may come,

Greeting:

Whereas in and by chapter 47 of the Revised Statutes of Canada, intituled: "An Act respecting the province of Manitoba," it is amongst other things in effect enacted that an allotment of land not exceeding one hundred and fifty thousand acres of fair average quality shall be selected by the Dominion government and granted as an endowment to the university of Manitoba, a body corporate and politic, under the provisions of the Consolidated Statutes of Manitoba, chapter 63, for its maintenance as a university capable of giving proper training in the higher branches of education, and to be held in trust for that purpose, upon some basis or scheme to be framed by the university and approved by the Dominion government.

And whereas the lands hereinafter mentioned and described, the same being Dominion lands within the meaning of the Dominion Lands Act, have been selected by the government of our Dominion of Canada, to be granted to the said the University of Manitoba (hereinafter sometimes called the said university) in pursuance of the Act firstly above mentioned.

And whereas the said university has framed a basis or scheme under which it is proposed that the said lands shall be held by the said university upon certain trusts which are hereinafter embodied and set forth.

And whereas the said basis or scheme has been duly approved by our Governor General in Council, who has authorized the issue of letters patent granting the said lands to the said university upon and subject to the trusts and conditions hereinafter expressed and contained.

Now know ye that we do by these presents grant, convey and assure unto the said University of Manitoba, their successors and assigns for ever, all that parcel or tract of land, situate, lying and being in the

(Description of property.)

To have and hold the said lands unto the said the University of Manitoba, their successors and assigns for ever, for the purposes hereinafter mentioned and upon and subject to the trusts and conditions hereinafter expressed and contained; saving and reserving, nevertheless, unto us, our successors and assigns the free uses, passage and enjoyment of, in, over and upon all navigable waters that now are or may be hereafter found on or under or flowing through or upon any part of the said parcel or tract of land; also reserving thereout and therefrom all rights of fishery and fishing and occupation in connection therewith, upon, around and adjacent to said lands, and also the privilege of landing from and mooring boats and vessels upon any part of the said lands and using the said lands in connection with the rights of fishery and fishing hereby reserved so far as may be reasonably necessary to the exercise of such rights. Provided always, that the said lands are to be held by the said university, their successors and assigns for the purposes hereinafter mentioned, and upon and subject to the following trusts and purposes, that is to say:—

1. That the said university, their successors and assigns, may at any time in such manner and on such terms as they may deem proper sell and dispose of or lease the said lands or any portion thereof, and receive the proceeds or income resulting therefrom.

2. That the said university, their successors or assigns, may apply such portion of the said proceeds and income as may be considered proper, to pay the expenses of the care and management of the said lands and of the moneys arising therefrom; to purchase a suitable site for and to erect thereon university buildings, and to furnish

such buildings, and shall invest such portion of the said proceeds as may not be immediately required for any of the said objects, in such securities and on such terms as the said university, their successors or assigns, may deem proper and safe for the purpose of deriving an income therefrom, and may apply the income arising out of the leasing of the said lands, and from such investments or any portion thereof to any of the purposes aforesaid or to any purpose contemplated or provided for by the Act of the Parliament of Canada passed in the 48th and 49th year of Her Majesty's reign, and chapter 50, being chapter 47 of the Revised Statutes of Canada.

Provided always, that if at any time hereafter the said university shall be dissolved or shall cease to exercise its function as a university, then and in such case, any and all of the said lands which may remain unsold shall revert to and shall become revested in us and our successors as of our and their former estate therein; and all funds in the hands of the said university, their successors or assigns, the proceeds of, or which in any way result from the sale, or disposal or leasing of the said lands, shall be immediately paid over to us, our successors or assigns.

Provided further, and it is hereby made an express condition of this grant, that at all times hereafter the said university, their successors and assigns, shall keep or cause to be kept such separate and distinct accounts of the proceeds and income resulting from the sale, lease or other disposal of, and of all moneys in any way derived from or arising out of the said lands as shall clearly and readily disclose the amount and nature thereof as well as all dealings therewith, and also that all books, vouchers and papers containing, or in any way relating to such accounts, shall at all times be open to the inspection of any person or persons appointed by our Governor in Council to inspect the same.

The undersigned members of a committee appointed by the council of the university of Manitoba to consider the form of patent to be used by the Dominion government are unable to concur with the majority of the committee, and beg to report as follows:—

By an Act of the parliament of Canada now embodied in chapter 47 of the Revised Statutes of Canada, it was enacted that—

“An allotment of land not exceeding one hundred and fifty thousand acres of fair average quality shall be selected by the Dominion government and granted as an endowment to the university of Manitoba for its maintenance as a university capable of giving proper training in the higher branches of education, and to be held in trust for that purpose upon some basis or scheme to be framed by the university and approved by the government.”

Afterwards, in the year 1887, a basis or scheme was framed by the university and shortly thereafter approved by the government, and no alteration of such basis of trust has been made by any agreement between the government and the university council, and it is the intention of the government to make the grant upon that basis of trust as is indicated by the recital in the form of the proposed patent; and as it is apparent from the wording of the Dominion statute that it was not the intention that any person or government should have a right to interfere with or vary the trust agreed upon by the university and the government, and as it is further apparent from the construction of the Dominion statute that it was not the intention of the parliament of Canada that the lands granted should be pledged or mortgaged for the purpose of raising money on which interest would be payable to erect buildings or pay professors, but that it should be an endowment in perpetuity for the purpose of the trust agreed upon, it seems to the undersigned that the committee have no power to settle upon any form of patent that would make it vary from the terms of the basis of trust, and that the form of patent, therefore, should be in the terms of the copy hereto annexed.

DEPARTMENT OF THE INTERIOR,  
OTTAWA, 23rd February, 1898.

HEBER ARCHIBALD, Esq.,  
Barrister, Winnipeg, Man.

SIR,—I am directed to acknowledge the receipt of your letter of the 4th instant, with reference to the university land grant, in which you inclose a statement by the

## University of Manitoba.

minority and also a copy of the minutes of the proceedings in this matter, and in reply to say that the Minister of the Interior will be pleased to give these matters his consideration.

I am, sir, your obedient servant,

LYNDWODE PEREIRA,  
Assistant Secretary.

*EXTRACT from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 29th March, 1898.*

On a memorandum dated 29th March, 1898, from the Minister of the Interior, submitting herewith a copy of the draft form of patent which was approved of at a special meeting of the University of Manitoba which was held at the city of Winnipeg, on the 3rd of February, 1898, as the form of patent to be issued for the land allotted by the Dominion government as an endowment to that university, under the provisions of Chapter 47. of the Revised Statutes of Canada, and recommending that he be authorized to issue this patent forthwith in accordance with such draft form.

The committee submit the above recommendation for Your Excellency's approval.

JOHN J. MCGEE,  
Clerk of the Privy Council.

### UNIVERSITY OF MANITOBA.

The following is the draft form of patent for the university lands, as approved by the committee appointed at the last meeting, which is to be considered at the special meeting of the council to be held Thursday, February the 3rd, 1898, at 4 p.m.

CANADA.  
VICTORIA, &c.

To all to whom these presents may come,

Greeting :

Whereas in and by chapter 47 of the Revised Statutes of Canada entitled "An Act respecting the province of Manitoba" it is amongst other things in effect enacted that an allotment of land not exceeding one hundred and fifty thousand acres of fair average quality shall be selected by the Dominion government and granted as an endowment to the University of Manitoba, a body corporate and politic, under the provisions of the Consolidated Statutes of Manitoba, chapter sixty-three, for its maintenance as a university capable of giving proper training in the higher branches of education, and to be held in trust for that purpose, upon some basis or scheme to be framed by the university and approved by the Dominion government:

And whereas the lands hereinafter mentioned and described, the same being Dominion lands within the meaning of the Dominion Lands Act, have been selected by the government of our Dominion of Canada, to be granted to the said the University of Manitoba, (hereinafter sometimes called the said university) in pursuance of the Act firstly above mentioned.

And whereas the said university has framed a basis or scheme under which it is proposed that the said lands shall be held by the said university upon certain trusts which are hereinafter embodied and set forth.

And whereas the said basis or scheme has been duly approved by our Governor General in Council who has authorized the issue of letters patents granting the said lands to the said university upon and subject to the trust and conditions hereinafter expressed and contained.

Now know ye we do by these present grant, convey and assure unto the said University of Manitoba, their successors and assigns for ever, all that parcel or tract of land, situate, lying and being in the

(Description of Property.)

To have and to hold the said lands unto the said the University of Manitoba, their successors and assigns for ever, for the purposes hereinafter mentioned and upon and subject to the trusts and conditions hereinafter expressed and contained; saving and reserving nevertheless, unto us, our successors and assigns, the free uses passage and enjoyment of, in, over and upon all navigable waters that now are, or may be hereafter found on, or under, or flowing through or upon any part of the said parcel or tract of land; also reserving thereout and therefrom all rights of fishery and fishing and occupation in connection therewith, upon, around and adjacent to said land, and also the privilege of landing from and mooring boats and vessels upon any part of the said lands, and using the said lands in connection with the rights of fishery and fishing hereby reserved, so far as may be reasonably necessary to the exercise of such rights. Provided always, that the said lands are to be held by the said university, their successors and assigns, for the purposes hereinafter mentioned, and upon and subject to the following trusts and purposes, that is to say:

1. That the said university, their successors and assigns, may at any time and in such manner and on such terms as they may deem proper, sell and dispose of, mortgage, pledge or lease the said lands or any portion thereof, and receive the proceeds or income resulting therefrom.

2. That the said university, their successors or assigns, may apply such portion of the said proceeds and income as may be considered proper to pay the expenses of the care and management of the said lands, and of the moneys arising therefrom; to purchase a suitable site, or suitable sites for and to erect thereon university buildings and to furnish such buildings, and shall invest such portion of the said proceeds as may not be immediately required for any of the said objects, in such securities and on such terms as the said university, their successors or assigns, may deem proper and safe for the purpose of deriving an income therefrom, and may apply the income arising out of the leasing of the said lands and from such investments or any portion thereof to any of the purposes aforesaid, or to any purposes contemplated or provided for either by the said chapter 47 of the Revised Statutes of Canada, or by the Act of Incorporation of the said university, or any acts amending the same.

Provided always, that if at any time hereafter the said university shall be dissolved or shall cease to exercise its functions as a university, then, and in such case, any and all of the said lands which may remain unsold shall revert to and become revested in us and our successors as of our and their former estate therein, subject to any mortgage or pledge which may have been given by the said university; and all funds in the hands of the said university their successors or assigns, the proceeds of, or which in any way result from the sale, lease, mortgage, pledge or other disposal of the said lands shall be immediately paid over to us, our successors or assigns.

Provided further, and it is hereby made an express condition of this grant, that at all times hereafter the said university, their successors and assigns, shall keep or cause to be kept such separate and distinct accounts of the proceeds and income resulting from the sale, lease, mortgage, pledge or other disposal of and of all moneys in any way derived from or arising out of the said lands as shall clearly and readily disclose the amount and nature thereof as well as all dealings therewith, and also that all books, vouchers and papers containing, or in any way relating to such accounts, shall at all times be open to the inspection of any person or persons appointed by our Governor in Council to inspect the same.

(Great Seal.)